

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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74 PINEHURST LLC, 141 WADSWORTH LLC, 177  
WADSWORTH LLC, DINO PANAGOULIAS, DIMOS  
PANAGOULIAS, et al.,

Plaintiffs,

-against-

STATE OF NEW YORK, NEW YORK DIVISION OF  
HOUSING AND COMMUNITY RENEWAL, RUTHANNE  
VISNAUSKAS, et al.,

Defendants.

**MEMORANDUM AND ORDER**

19-cv-6447 (EK) (RLM)

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ERIC KOMITEE, United States District Judge:

After the Court dismissed all claims in this action except the as-applied regulatory-taking claims brought by Plaintiffs Eighty Mulberry Realty Corporation and Dino, Dimos, and Vasiliki Panagoulis, ECF No. 79, Plaintiffs moved for entry of final judgment under Rule 54(b) of the Federal Rules of Civil Procedure as to 177 Wadsworth LLC, the one Plaintiff in this action who did not raise as-applied takings claims. ECF 81. In the alternative, Plaintiffs seek entry of final judgment as to the facial claims brought by all Plaintiffs under the Takings and Due Process Clauses. *Id.* Plaintiffs argue that final judgment should be entered because the relevant claims raise identical issues to the ones in CHIP's pending appeal. See No. 20-3366 (2d Cir.).

However, "the entry of a final judgment is generally appropriate only after all claims have been adjudicated." *Novick v. AXA Network*, 642 F.3d 304, 310 (2d Cir. 2011) (internal quotations omitted). Accordingly, the power to "enter [] a final judgment before the entire case is concluded" should "be exercised sparingly." *Harriscom Svenska AB v. Harris Corp.*, 947 F.2d 627, 629 (2d Cir. 1991). Plaintiffs chose to pursue a joint action, with 177 Wadsworth LLC bringing suit together with parties that raised as-applied takings claims. There is no "injustice" in enforcing the consequences of that decision, nor would there be meaningful gains to "judicial administration and efficiency" by allowing this action to be appealed in piecemeal fashion. *Hogan v. Consolidated Rail Corp.*, 961 F.2d 1021, 1025 (2d Cir. 1992) (internal quotations omitted).

Accordingly, Plaintiffs' motion for entry of judgment under Rule 54(b) is denied.

SO ORDERED.

s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: Brooklyn, New York  
November 19, 2020